

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

KENNETH E. KING,

Petitioner,

v.

Case No. 05-C-0928

GREG GRAMS, Warden,
Columbia Correctional Institution,

Respondent.

**ORDER DENYING PETITIONER'S MOTION FOR
INTERVENTION OF U.S. ATTORNEY**

This is a federal habeas corpus action which was commenced by the petitioner, Kenneth E. King ("King"), on August 30, 2005. On September 6, 2005, and after Rule 4 review, this court ordered that the parties brief the issues raised in King's petition. The parties have now filed their respective briefs in accordance with the briefing schedule. The court will issue, in due course, a decision on the issues raised in King's habeas corpus petition. However, on January 19, 2006, the petitioner filed a "Motion for Intervention of the U.S. Attorney," citing Fed. R. Civ. P. 11 and 18 U.S.C. § 241 as legal authority therefor. The instant order will address that motion.

King seeks an order from this court requiring the United States Attorney to intervene in this action for the purpose of investigating certain of King's contentions. (Mot. at 3, ¶ 17.) The legal authority offered by King does not provide support for the proposition that the United States Attorney, i.e., the United States Department of Justice, may be ordered to become a party in a federal habeas corpus proceeding under the provisions of 28 U.S.C. § 2254. Moreover, this court is unaware

of any legal authority for such proposition. Consequently, King's motion will be denied.

NOW THEREFORE IT IS ORDERED that petitioner King's "Motion for Intervention of the U.S. Attorney" be and hereby is **DENIED**.

SO ORDERED this 27th day of February 2006, at Milwaukee, Wisconsin.

/s/ William E. Callahan, Jr.
WILLIAM E. CALLAHAN, JR.
United States Magistrate Judge